

Notice of Allowability

Application No.

09/330,446

Examiner

Susanna M. Diaz

Applicant(s)

FORD, ROBERT M.

Art Unit

3623

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed June 24, 2004.
2. ☒ The allowed claim(s) is/are 15, 19, 36, 37 and 51-56.
3. ☒ The drawings filed on 11 June 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Susanna M. Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER

A.U. 3623

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Brandon Sklar (Reg. No. 31,667) on September 23, 2004.

The application has been amended as follows:

(A) Please delete the second paragraph added on page 5, after line 12 of the specification in the amendment filed on June 24, 2004. The paragraph to be deleted is found on page 2 of the amendment filed on June 24, 2004 and begins, "In one example of a related embodiment, a system to manage the sale of a commodity is disclosed."

(B) Please amend the substitute abstract. The substitute abstract is found on page 13 of the amendment filed on June 24, 2004. Please amend the substitute abstract as follows:

(i) In line 2 of the substitute abstract, delete "is disclosed; comprising",
insert --comprises--

(ii) In line 10 of the substitute abstract, delete "disclosed", insert --
described--

(C) Please cancel claims 38 and 57-73.

(D) Please amend claims 15, 36, 52, and 55 as follows:

- (i) Claim 15, line 8, delete "associated with", insert --related to--
- (ii) Claim 36, line 10, delete "associated with", insert --related to--
- (iii) Claim 52, line 4, delete "first and second commodities", insert --
commodity to said first and second bidders--
- (iii) Claim 55, line 4, delete "first and second commodities", insert --
commodity to said first and second bidders--

Reasons for Allowance

2. Claims 15, 19, 36, 37, and 51-56 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The closest prior art references of record are Woolston (U.S. Patent No. 6,266,651) and Oren et al. ("Interruption Insurance for Generation and Distribution of Electric Power").

Woolston discloses two-tiered electronic markets in which a retail consumer may be offered an item at a retail price while a wholesale dealer is offered the same item at a wholesale price. The "current retail bid amount is selectively displaced if the received wholesale bid increased by a predetermined amount is greater than the current retail bid" (abstract). In other words, a given item is offered to different customers at two different tiers and the customer bidding the price that yields the greatest profit margin for the seller of the item wins the bid. Similarly, the claimed invention offers a

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commodity to two different bidders and the bidder offering the bid that yields the greater profit margin for the seller of the commodity wins the bid; however, Woolston fails to teach or suggest the incorporation of a first and a presumably distinct second insurance instrument designed to indemnify the first and second bidders, respectively, against loss associated with purchase of the commodity offered for sale. The determination of whom to award the bid to requires consideration of not only the price differential between the initial seller-assigned price of the commodity to each bidder, but also the price of each respective insurance product bundled to the commodity, as displayed to the first and second bidders as a first and second price, respectively.

Oren discloses the concept of a utility company offering its customers the option of paying various premiums for different guaranteed levels of power delivery. In other words, the utility provides "an insurance mechanism which offers customers protection against interruption losses" (¶ 3). However, Oren fails to disclose or suggest the provision of its bundled power with insurance through means of an auction, as recited in the claimed invention.

In conclusion, claims 15, 19, 36, 37, and 51-56 are deemed to be allowable because the prior art of record is not seen to disclose or suggest the steps of offering a first bidder at a first price a commodity bundled with a first insurance instrument designed to indemnify the first bidder against loss associated with at least one risk associated with the purchase of the commodity, offering a second bidder at a second price the commodity bundled with a second insurance instrument designed to indemnify the second bidder against loss associated with at least one risk associated with the

purchase of the commodity, and then selling the commodity to the bidder whose bid exceeds the price at which he/she was respectively offered the bundled commodity with insurance instrument by the greatest margin.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687

[Official communications; including
After Final communications labeled

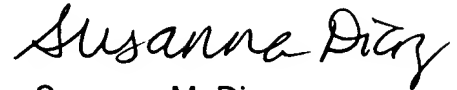
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"Box AF"]

(703)746-7048

[Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.



Susanna M. Diaz
Primary Examiner
Art Unit 3623
September 23, 2004